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HCHR NEWS

FORMER YUGOSLAVIA

HUMAN RIGHTS COMPONENT IN THE PEACE AGREEMENT

The High Commissioner for Human Rights, in the statement delivered at the London Peace Implementation Conference on 8-9 December, stressed that human rights must be a central component of the peace agreement in former Yugoslavia. He also confirmed the guidelines for a UN mission, he had already outlined in November during a meeting with the High Commissioner for Refugees and other heads of international organizations, for the creation of the essential human rights infrastructures to guarantee the reconstruction of a civil society in that region. The Dayton Agreement, rightly placing emphasis on the combination of the international and domestic dimension of human rights, accepted those guidelines and indicated the possible components and actors of the human rights programme.

According to Mr. Ayala-Lasso the overall objective of all human rights related activities should be the prevention of new violations to facilitate the conditions for the return of displaced persons and refugees in the shorter term, and the assistance for the large scale restoration and institutionalization for respect for human rights in the longer term. Keeping in mind the overall objectives, the specific goals would have to be: gathering comprehensive and reliable information on all aspects of the human rights situation; informing the International Criminal Tribunal for the former Yugoslavia, the Special Rapporteur and the Expert of the Commission on Human Rights, as well as other relevant bodies, on the findings made; bringing to the attention of the responsible authorities or parties any violations or irregularities observed and seeking corrective action; participating in the process of confidence building among communities and encouraging the creation of a broad-based human rights culture; contributing to efforts undertaken by domestic institutions with a view to providing redress for human rights violations; providing human rights advisory services and training to international organizations and human rights institutions.

Following the peace agreement, the High Commissioner underlined his readiness to assume responsibility for the effective implementation of the human rights aspects of the operation in that territory, especially monitoring the situation, providing essential training to the staff involved and supporting the work of the Special Rapporteur and the Expert on Special Process dealing with missing persons. However, as the tragedy in former Yugoslavia requires a comprehensive approach that far exceeds the capacity of any single organization, the Dayton Agreements called upon several organizations, including the High Commissioner for Human Rights himself, the High Commissioner for Refugees, and the Organization for Security and Cooperation in Europe, to perform tasks in human rights related activities. Consequently, it is essential that human rights proposals will be based on close cooperation and mutually agreed-upon division of responsibilities among the several organizations. While the High Representative, as the head of the civilian component of the peace implementation operation, will be responsible for the overall coordination of the human rights field operation, its day-to-day coordination could be ensured through a human rights task force, embracing all cooperative organizations.

The field operation should develop close cooperation also with domestic institutions in the field of human rights, in particular with the Commission on Human Rights, the Commission for Displaced Persons foreseen by the Agreed Basic Principles, and the Ombudsmen, with a view to strengthening these institutions and, as appropriate, transferring responsibilities and functions to them. Indeed the stated goal of the entire peace-restoring operation and its human rights component is for a highly-effective, short-term effort which, as soon as possible, leaves the responsibility for democracy and peace-keeping to the people and their government.

Concluding his remarks Mr. Ayala-Lasso stressed, once again, that funding and logistic arrangement is the prerequisite for proper organization of the operation. This should be addressed in the

The Mission of the High Commissioner is to ensure the Universal Enjoyment of All human rights by giving Practical Effect to the will and resolve of the world community as expressed by the United Nations

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framework of the peace agreement. He emphasized that uncertainty about financial support for specific components, divergencies in budgetary procedures and resulting delays in the availability of funds could totally undermine coordination of activities and thereby endanger the success of the operation.

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EXECUTIONS

KEN SARO-WIWA'S EXECUTION

Death was the verdict on Ken Saro-Wiwa, the writer nominated for the 1996 Nobel Peace Prize, and his eight fellow-accused in Nigeria. The nine executed represented Nigeria's Ogoni ethnic minority, which claim that oil companies'drilling operations, and in particular those of Royal Dutch Shell, have polluted their Niger Delta homeland.

The alleged crime for which Mr. Saro-Wiwa and other Ogoni leaders have been sentenced to death, the killing of four moderate pro-government Ogoni chiefs on 21 May 1994, occurred during clashes between moderates and a militant youth faction within the Movement for the Survival of the Ogoni People.

The death sentences imposed resulted from procedures and events which violated international standards for arrest, detention and fair trial

Following charges that the trials of Ken Saro-Wiwa, Barinem Kiobel, Saturday Dobee, Paul Levura, Nordu Eawo, Feliz Nuate, Daniel Gbokoo, John Kpuinen, Bariber Beta and the death sentences imposed on them resulted from procedures and events which would violate international standards for arrest, detention and fair trial by an independent tribunal, the High Commissioner for Human Rights and two Special Rapporteurs sent urgent appeals, on behalf of the detainees, to the Nigerian Government.

The Special Rapporteurs on extrajudicial, summary or arbitrary executions, and on the independence of judges and lawyers sent urgent appeals to the Nigerian Government

Mr. Bacre Waly Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Param Cumaraswamy, Special Rapporteur on the independence of judges and lawyers, received serious allegations concerning the ill-treatment of the detainees, as well as information about the unfairness of their trials. In the first appeal, dated 2 November, the Rapporteurs expressed their deep concern about reports that, on 30 and 31 October, the Civil Disturbances Tribunal in Port Harcourt sentenced nine persons to be hanged; they further noted that serious questions had been raised concerning the lack of independence and impartiality of the Special Tribunal - allegedly established by the Government specifically to try the case in two separate trials. In their second appeal, dated 9 November, the Special Rapporteurs requested the Nigerian Government to urgently provide information concerning the way the trials were carried out and, referring primarily to the fundamental principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which Nigeria ratified, invited the Government to refrain from carrying out the death sentences.

The High Commissioner sent two urgent appeals to the Head of State of Nigeria, General Sani Abacha, asking for clemency

The High Commisioner for Human Rights made two urgent appeals respectively to the Permanent Mission of Nigeria to the United Nations Office at Geneva, on 6 November, and through an interview with the BBC to the Head of State of Nigeria, General Sani Abacha, on 9 November expressing his deep concern regarding the death sentences and asking for clemency on behalf of the nine human rights activists. The High Commissioner also offered the Nigerian Government any assistance it might have required in order to ensure full compliance with international human rights standards, such as the International Covenant on Civil and Political Rights, which Nigeria freely entered into.

In reply to those urgent appeals the Government of Nigeria emphasized that the convictions of the nine were "based on the verdict of a legally constituted court of law" and added that "criminal conduct is not subjected to international standards but to the domestic laws and procedure of the country concerned". Moreover, Saro-Wiwa and his associates were not tried by a Special Military Tribunal but by a Civil Disturbances Tribunal headed by a high court judge, assisted by other legally-trained pùersonnel, coming from outside the area to which the case related.

The hangings in a prison in Port Harcourt prompted a wave of worldwide condemnation

The hangings in a prison in Port Harcourt prompted a wave of worldwide condemnation: the Commonwealth suspended Nigeria from the 52-nation body for two years, during which time General Sani Anacha is supposed to institute political and human rights reforms. The withdrawal of the US and European Union ambassadors from Lagos was accompanied by an EU declaration that it would suspend its development aid to Nigeria.

The General Assembley passed a resolution condemning Nigeria

The Third Committee of the General Assembly welcomed the decisions by the Commonwealth and other States to take appropriate actions to underline the importance for Nigeria to return to democratic rule and observance of human rights. It passed a resolution condemning Nigeria for the flawed judicial process and the following arbitrary executions and emphasized that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial with all the guarantees necessary for defence.

On the same occasion the General Assembly expressed its deep concern about other violations of human rights and fundamental freedoms calling upon the Government of the country to ensure their observance, in particular by restoring *habeas corpus*, releasing all political prisoners, guaranteeing freedom of the press and ensuring full respect of the rights of minorities.

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COUNTRIES

HIGH COMMISSIONER'S VISIT TO INDONESIA AND EAST TIMOR

The High Commissioner, in complying with his mandate to promote dialogue with Member States and to engage them in human right promotion and protection, officially visited Indonesia and East Timor from 2 to 7 December.

The visit to Indonesia and East Timor represents a starting point for cooperation and dialogue on human rights matters

On this occasion the High Commissioner had the opportunity to raise human rights

issues with the Indonesian President, the Foreign Minister, the Minister of Defence, the Minister of Women Affairs, the Minister of Social Affairs, Members of Parliament, of the National Commission of Human Rights, and of the Supreme Court and to pave the way for future cooperation between Indonesia and the Centre for Human Rights in human rights activities.

In response also to a Presidential Statement adopted by the Commission on Human Rights on 1 March 1995, asking the High Commissioner to visit East Timor before 1995 and to report to it in 1996, Mr. Ayala-Lasso visited East Timor on 5 and 6 December.

During his conversation with the Foreign Minister of Indonesia, Ali Alatas, the High Commissioner discussed Indonesia's implementation of all human rights recommendations of United Nations mechanisms of the Commission on Human Rights and of relevant treaty-based bodies, addressed to the country during the last four years. He also suggested further cooperation between the Indonesian Government and the United Nations special rapporteurs, working groups, organs and other instruments in order to facilitate better promotion and protection of human rights. Following Mr. Ayala-Lasso's invitation to ratify the principal human rights instruments, the Foreign Minister had gave assurances that his country will ratify the Convention against Torture in 1996.

On the same occasion, the High Commissioner expressed his deep concern about prisoners whose only crime was the public expression of political dissent and he demanded amnesty for them. Mr. Ayala-Lasso requested the repeal of Indonesian Anti-Subversion Law regarding East Timor, the reduction of troops, and the continuing investigation of the tragic events which occurred at the Santa Cruz Cemetery in Dili on 12 November 1991, during which a number of East Timorese were killed.

The High Commissioner made specific proposals with respect to human rights related activities

During his meeting with President Suharto and with government officials in Jakarta, the High Commissioner acknowledged that Indonesia had taken steps to improve human rights conditions but he also underlined that there were still human rights violations which "must be corrected".

With this aim in mind, Mr. Ayala-Lasso urged the Indonesian Government to give legal basis and better financial resources to the Indonesian National Human Rights Commission in order to increase its effectiveness. He suggested that the Commission's recommendations be taken more actively into consideration. Meeting with members of the National Commission, he emphasized that it should be "a model of dynamism, efficacy and action".

Xanana Gusmao, the jailed East Timorese independence leader, entrusted the High Commissioner with a message to be transmitted to the Secretary-General

In East Timor the High Commissioner met Governor Abilio Soares, the Roman Catholic Bishop Carlos Ximenes Belo, the jailed independence leader Xanana Gusmao, and held talks with local police, military officers and members of Parliament. On his return to Jakarta, following his private talk with Xanana Gusmao, the High Commissioner defined good the jailed leader's conditions. Xanana Gusmao entrusted Mr. Ayala-Lasso with a message to be transmitted to the Secretary- General of the United Nations.

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STATEMENT

HIGH COMISSIONER'S ACTIVITIES: BALANCE-SHEET AND PROSPECTS

In a statement delivered to the Third Committee of the General Assembley on 21 November, the High Commissioner emphasized the enormous contribution of the United Nations to world peace and to economic and social development. Even if the United Nations must still travel a long way before reaching the goals set out in the Charter, it has made significant progress in the protection of fundamental rights and freedoms everywhere thanks in part to the creation, one and a half years ago, of the post of High Commissioner for Human Rights to act as a catalyst in UN activities for human rights. On this occasion, the High Commissioner gave the General Assembly a brief assessment of his Office's main achievements during the first eighteen months of activity.

The High Commissioner is ready to assume responsibility for effective implementation of human rights in the Former Yugoslavia

The High Commissioner has reiterated his readiness to assume responsibility for an active role in effective implementation of human rights related activities in the territory of the Former Yugoslavia, on the basis of his experience resulting from more than three years of human rights monitoring, other field activities, and technical cooperation programmes. Following the negotiations that ended the dreadful four-year war in the Former Yugoslavia, the peace-building and the healing process are about to begin. According to the High Commissioner, the success of the entire operation depends on the existence of a comprehensive human rights programme; indeed, only a proper human rights infrastructure will be able to build the trust necessary for the reconstruction of the new civil societies in that area.

The High Commissioner engaged Member States in dialogue about respect of all human rights

Since assuming his Office, Mr. Ayala-Lasso has also been actively engaged in building confidence in the institution of the High Commissioner, attaching great importance to commit the Governments of Member States in dialogue about respect of all human rights in the belief that personal and direct contact will best serve the purpose of enhancing cooperation and support for his Office.

Many examples of collaboration demonstrate the willingness of most Member States to give positive solutions to human rights problems. However, it is regreted that some states still do not respond to overwhelming appeals on human rights abuses; a case in point is the execution of Ken Saro-Wiwa and eight others despite the numerous démarches to spare their lives by Governments, non-governmental organizations, and by the High Commissioner himself.

The implementation of the right to development requires a comprehensive, target-oriented approach

Referring to the future activities of the Centre for Human Rights and of his Office, the High Commissioner highlighted some key issues on the human rights agenda for the next few years. The first one is the implementation of the right to development for which a comprehensive, target-oriented approach is required. Consequently, Mr. Ayala-Lasso will further his links to the many agencies which are already involved in the realization of the right to development within the United Nations system. Moreover, he announced that the right to development will be assigned a

prominent place in the proposed restructuring of the Centre for Human ights. The aim of this cooperation is to instill in those involved in the execution of decisions related to development at international, national, regional and local levels, a consciousness that their work directly affects the enjoyment of human rights.

Every investment in human rights education will be repaid in the form of stronger, more prosperous and peaceful societies

The second key issue relates to the implementation of the Programme of Action of the Human Rights Education Decade. The High Commissioner called upon all Governments to enlist their aid in moving forward this initiative by the establishment of national committees and by contributing to the belief that every investment in human rights education will be repaid in the form of stronger, more prosperous and peaceful societies.

At the moment, 182 States are parties to the Convention on the Rights of the Child, embracing roughly 90% of the children of the world

The third key issue concerns the promotion and protection of the rights of children: at the moment 182 States are parties to the Convention on the Rights of the Child, embracing roughly 90% of the children of the world. In September the High Commissioner wrote to all States party to the Convention appealing for support and he received encouraging reactions from both developed and developing countries.

Among the High Commissioner's staff, a highly qualified expert is devoted exclusively to the creation and strengthening of national human rights institutions

Finally, the High Commissioner's Office has been engaged in important early warning human rights activities aimed at strengthening the rule of law and the pillars of the state in conformity with internationally accepted standards; for this reason he also included in his staff a highly qualified expert devoted exclusively to the creation and strengthening of national human rights institutions.

The new national institutions, the High Commissioner's Office is already helping to create, will focus not only on civil and political rights but will give equal emphasis to economic, social and cultural rights, to the rights of the homeless, of those with physical and mental disabilities, and indigenous peoples. So the already well developed international treaty framework, created for the protection of human rights, will be effectively carried out within the States party to the Conventions.

The Office of the High Commissioner for Human Rights and the Centre for Human Rights are undergoing an organizational transformation

For a better fulfilment of the human rights programmes, the Centre for Human Rights is undergoing a re-organization on the principle that the Office of the High Commissioner and the Centre for Human Rights should represent a unity of action and that team spirit is essential for the achievement of the Mission Statement. In the coming months, specific projects will be implemented to gain improvements in main areas such as finance, human resources, information, and external relations.

The approval of the proposed budget for the 1996-1997 biennium and a strong financial basis are essential to carry out the High Commissioner's mandates

For the successful implementation of the United Nations'human rights programme and realization of the whole process of restructuring, the approval of the proposed budget for the 1996-1997 biennium is essential. Consequently, the High Commissioner appealed to all Member States to fully support his Office, and provide him with a strong financial basis, which is indispensable for him to be able to carry out his mandates.

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FLASH

HUMAN RIGHTS DAY CELEBRATION

Annually on the Human Rights Day, we commemorate the adoption by the United Nations General Assembly, on 10 December 1948, of the Universal Declaration of Human Rights. It grew out of the Charter of the United Nations and was built on the central message of the drafters of the Charter by setting out clearly the inviolable rights of the human person.

On this occasion, Mr. Ayala-Lasso invited everyone to reaffirm the commitment to the high principles expressed in what the High Commissioner has defined, the *Magna Carta* of human rights. He underlined three categories of rights that must be protected and promoted: the first one concerns the fundamental right to life and those related, such as the right to a healthy environment, to food security, to shelter; the second one concerns the intellectual and moral dimensions of human being which is the right to education, to the participation in the cultural life of the community, the freedom of expression; the third one relates to participation in political life and the freedom of association.

Next to the already well developed international treaty framework for the protection of human rights, the creation or the reinforcement of national institutions devoted to the development of human rights represent the best prevention against grave violations. Furthermore, the implementation of national programmes aimed at the diffusion of, and the education to, human rights must be a focal point on the human rights agenda for the next decade.

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AGENDA

20 November - 1 December:

Commission on Human Rights: Working Group on the Draft declaration on indigenous rights.

22 November - 1 December:

Commission on Human Rights: Working Group on Arbitrary Detention, 14th session.

20 November - 8 December:

Committee on Economic, Social and Cultural Rights, 13th special session.

2 - 7 December:

High Commissioner's official visit to Indonesia and East Timor

4 - 8 December:

Expert Seminar on Indigenous people Land Rights.

11 December:

Celebration of Human Rights Day.

11- 15 December:

Committee on Economic, Social and Cultural Rights, presessional Working Group.

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